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## ACTIONS BY ALIEN ENEMIES.

In Halsbury's Laws of England it is said: "An alien enemy had no rights at all at common law: he could be seized and imprisoned, and could have no advantage of the law of England, nor obtain redress for any wrong done to him": vol. i. 310: see *Sylvester's Case* (1702), 7 Mod. 150; and it is said in *Dyer* 26 that "An alien enemy shall have no benefit of the King's laws." This, though merely a dictum, agrees with what is said in Comyn's Dig. Abatement (E. 4): "Alien enemy is a plea in abatement Co. Lit. 129*b*, Art. Ent. 11, 9 E. 4, 7, or to the action, Co. Lit. 129*b* in actions, real, personal, or mixed, and though the suit is in another right as executor: R. Cro. Eliz. 142. So alien enemy in the testator at the time of his death is a plea to an action by his executor on an obligation: Semb. Lut. 34; Skin. 370."

"An alien enemy cannot have any action, real personal or mixt: Dy. 2*b*; 19 Ed. 4, 6; Q. 1 Rol. 195*b*; Semb. Ow. 45*n*": Com. Dig. Alien *c* (5).

In the *Doctrina Placitandi*, a work of an anonymous King's Sergeant (said to be Sampson Ever), published with the imprimatur of Lord Chancellor North, in 1677, and said to have been highly approved by no less a legal luminary than Chief Justice Willes, it is said: "If an alien bring a personal action, or a mixed one in his own right, the defendant can plead in abatement in disability of the person, or in bar of the action, with this difference that in action personal or trespass of his house, the defendant ought to aver that the plaintiff is an alien, born of such a place, under the allegiance of such a prince, that is an enemy to our Lord the King, for an alien friend may traffic, and have a house for habitation, therefore may have a personal action, and for his house broken (as also he may have a writ of error for